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8 of the law firm of James M. Millar, Esq., JAMES M.
8 MILLAR, ESQ., TONY TORREZ and CHAD SCHIMKE

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 CARLO ANTONIO DEL CONTE,) **Case No. C 06-5030-JSW**
13)
14 Plaintiff,)
14)
15 vs.)
15) **ORDER DISMISSING FIRST AMENDED**
16 THE SAN FRANCISCO POLICE) **COMPLAINT AS TO DEFENDANTS**
16 DEPARTMENT, OFFICER X KERWITZ,) **JAMES MILLAR, SALLY MORIN, TONY**
17 individually and as a member of the San) **TORREZ AND CHAD SCHIMKE**
17 Francisco Police Department, OFFICERS)
18)
19 DOE 1 through DOE 8, being fictitious)
19 names, individually and as members of the)
20 San Francisco Police Department, SALLY)
20 MORIN, ESQ., individually and as a)
21 member of the law firm of James M. Millar,)
21 Esq., JAMES M. MILLAR, ESQ., TONY)
22 TORREZ and CHAD SCHIMKE)
22)
23 Defendants)
24 _____)

25 IT IS HEREBY ORDERED that plaintiff CARLO ANTONIO DEL CONTE's First
26 Amended Complaint is dismissed as to Defendants JAMES MILLAR, SALLY MORIN, TONY
27 TORREZ, AND CHAD SCHIMKE, only, with prejudice pursuant to Fed.R.Civ.P. 41(a)(1). Each
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1 party shall bear their own fees and costs of suit.
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March 23, 2009

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Jeffrey S. White
DISTRICT COURT JUDGE